Appl. No.: 10/084,546

Docket No.: BB1201USCNT(7560\*88) Reply to Restriction of April 17, 2003

This listing of claims will replace all prior versions, and listings, of claims in the application:

## **Listing of claims:**

Claims 1-12 (previously canceled)

Claim 13 (currently amended): An isolated polynucleotide <u>comprising</u>:

(a) a <u>nucleotide sequence</u> that encodes a <u>polypeptide having</u> thiamin

pyrophosphokinase <u>activity</u>, wherein the polypeptide has a sequence identity of at least 80%, based on the Clustal method of alignment, when compared to a polypeptide selected from the group consisting of SEQ ID Nos:2, 4, 6, and 8, or

(b) a full-length complement of the nucleotide sequence.

Claim 14 (previously added) The polynucleotide of Claim 13 wherein the sequence identity is at least 90%.

Claim 15 (previously added) The polynucleotide of Claim 13 wherein the sequence identity is at least 95%.

Claim 16 (currently amended) The polynucleotide of Claim 13 wherein the polynucleotide encodes a polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, and 8.

Claim 17 (currently amended) The polynucleotide of Claim 13, wherein the polynucleotide comprises a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, and 7.

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Claim 18 (canceled)

Claim 19 (currently amended) A chemeric gene recombinant construct comprising the polynucleotide of Claim 13 operably linked to at least one regulatory sequence.

Claim 20 (currently amended) A cell comprising the <u>recombinant construct</u> polynucleotide of Claim 19 13.

Claim 21 (previously added) The cell of Claim 20, wherein the cell is selected from the group consisting of a yeast cell, a bacterial cell and a plant cell.

Claim 22 (currently amended) A virus comprising the <u>recombinant construct</u> polynucleotide of Claim <u>19</u> 13.

Claim 23 (canceled)

Claim 24 (currently amended) A method for transforming a cell comprising introducing into a cell the <u>recombinant construct polynucleotide</u> of Claim <u>19</u> <del>13</del>.

Claim 25 (canceled)